

October 25, 2018

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

**Members Present:** Mr. Mazza, Mr. Neary, Mr. Walchuk, Mr. Nace, Mr. Eschbach, Mr. Kastrud, Mr. Kirkpatrick, Mr. Ford

**Members Absent:** Mr. Stothoff, Mr. Sullivan

**Others Present:** Atty. Mark Anderson, Robert Clerico, Andrea Malcolm. Atty. Steve Warner, Atty. Christopher Erd

**Open Public Meetings Act Notice:** I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated February 1, 2018, as published in the Hunterdon County Democrat and January 31, 2018, as published in the Courier News and revised as of October 15, 2018. A copy of the Notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

**Approval of Minutes:** Mr. Nace made a motion to approve the minutes of the September 27, 2018 meeting. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Nace, Mr. Mazza, Mr. Nace, Mr. Stothoff, Mr. Ford

Abstain: Mr. Neary, Mr. Eschbach, Mr. Kastrud

**Issue of Completeness: Fallone Group LLC: Block 22, Lot 34, Perryville Road: Preliminary & Final Site**

**Plan Approval:** Atty. Steve Warner was present on behalf of applicant. Mr. Warner understood there were three items to be addressed; Checklist Item # 52 –Soil Erosion/Sediment Control Plan, submitted to the Board, but not to Hunterdon County Soil District; Checklist Item # 60 – As-Built Plans and Item # 62 – Geology Report. Mr. Warner said Mr. Clerico had recommended waivers be granted for Items # 52 and 60 and Township Geologist Eric DeRicco recommended that a waiver be granted for Item 62.

Mr. Ford asked for Mr. Clerico's comments. He recommended a temporary waiver for Item # 52.

Mr. Clerico said completeness issues were addressed. He reported on other issues. Mr. Clerico said Fallone is proposing an on-site sales trailer, he asked if the Board would require submission of a minor site plan application for the trailer. He noted that applicant had a Sewage Treatment Disposal System that was approved by the NJDEP a few years ago. Mr. Clerico said Fallone is relying upon some approvals granted for a previous application. Mr. Ford questioned if the Standards had been changed. Mr. Clerico said he did not know.

Ms. Malcolm commented on the application. She said parts of the Zoning Compliance Table were missing. She also noted discrepancy in the number of lots. Mr. Kirkpatrick asked about the L.O.I. Atty. Warner said it is still valid.

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Mr. Ford asked for questions from the Board/Professionals. Ms. Malcolm raised a question about open space. Mr. Kirkpatrick said that was not a completeness issue. Mr. Ford asked for a motion.

Motion: Mr. Kastrud made a motion to deem the application complete, granting a temporary waiver for Checklist Item # 52 (that issue to be resolved at the Hearing); waivers for Items # 60 and 62 and submission of the information referenced by Ms. Malcolm, including a complete Zoning Compliance Table and clarification of the number of lots, as well as issues raised by Mr. Clerico. Mr. Eschbach seconded the motion.

Vote: Ayes: Mr. Kastrud, Mr. Eschbach, Mr. Mazza, Mr. Neary, Mr. Walchuk, Mr. Nace, Mr. Kirkpatrick, Mr. Ford

The tentative date for the Fallone Hearing is December 6, 2018.

**Issue of Completeness: Natalizio: Block 29.04, Lot 18, 6 Groom Road: Amendment to Major**

**Subdivision:** Atty. Christopher Erd was present on behalf of applicant. The site has deed-restricted open space. Atty. Anderson addressed the restrictions imposed on the open space. He said the open space belongs to the Township and the Township Committee may have to approve a use that intrudes into that area. Ms. Malcolm noted in her October 17, 2018 report that agricultural uses are permitted in the AP-2 District and that may have been the intended use.

Atty. Erd called Township Atty. Peter Jost to discuss a possible resolution of the issue. He has not had an opportunity to speak with Mr. Jost at this time. Mr. Erd addressed Ms. Malcolm's report. The report indicated that a variance would be required because the proposed overall buildable area exceeds that allowed. He said the 16,900 existing square foot (sf) residential farmette area is not being used in its entirety; therefore, an adjustment could be made to the proposed 23,900 sf buildable area. Mr. Kirkpatrick indicated that might not be a viable change. Atty. Erd noted Ms. Malcom's reference to the open space issue, tree removal and the architectural character of the proposed barn.

Atty. Erd addressed Mr. Clerico's report of October 15, 2018. Mr. Clerico stated Checklist items not provided including # 12, Property Owners List; # 18, Site Capacity Calculations and # 18 & 37, Natural features for which applicant is seeking waivers. Mr. Clerico recommended that the following request for waivers be denied; # 20 and #22, Topography onsite and within 200 feet; # 26, Wetlands; # 28, C-1 Streams & Buffers and # 30, Location of Existing Trees. He noted that # 52, the SESC Plan had not been provided; # 55, Applicant requests a waiver from providing an EIS; # 59 for which applicant is seeking a waiver from providing an LOI from NJDEP and # 60, an As-built Plan. Mr. Clerico said a temporary waiver could be a condition of approval. If Ms. Malcolm determines that a variance is required Checklist C and pertinent waivers must be submitted.

Motion: Mr. Kirkpatrick made a motion to deem the application complete, conditioned on submission of Items # 20, 22, 26, 30, 52 and 55 and the determination by Ms. Malcolm if a variance related to the maximum square footage is required. Mr. Kastrud seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Kastrud, Mr. Mazza, Mr. Neary, Mr. Walchuk, Mr. Nace, Mr. Eschbach, Mr. Ford

Atty. Erd asked when the Hearing might be scheduled. Discussed briefly. Atty. Erd said he would contact the Board secretary after the 2019 Meeting Schedule was established.

**Memorialization of Resolution: Powerco Partners, LTD: Block 23, Lot 23.02, 173 Route 173 West: Use Variance:** Mr. Kastrud made a motion to memorialize the Resolution. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Stothoff, Mr. Walchuk, Mr. Nace, Mr. Kirkpatrick, Mr. Ford

Abstain: Mr. Kastrud

**Zoning Ordinance Changes – Recommendation to Township Committee:** Mr. Ford announced that item would be addressed at the November 8, 2018 meeting.

**Comments from the Public/Other Business:** Mr. Ford noted there was no one present from the Public. He asked members for questions/comments. Mr. Nace had a question pertaining to the Fallon application. He asked why the UT Land Use Ordinance doesn't require a traffic study if a proposed development has less than one-hundred units. Ms. Malcolm said the Board has the authority to request a study. Atty. Anderson concurred with Ms. Malcolm. Mr. Kirkpatrick said twenty-five units would be a reasonable number and the DEP has rules pertaining to that threshold. Mr. Ford asked if the DEP had any lower threshold. Mr. Kirkpatrick said cost was a factor. He referenced the role of UTEC in the matter. Mr. Kirkpatrick said the Checklist Item for a complete Environmental Impact Statement (EIS) requires quantification of the traffic impact. He said UTEC determines if the EIS is complete and appraises the Board of their determination. If a Board member has an issue with a traffic study not having been provided the member could contact UTEC with the concern.

Mr. Ford quoted from the UTEC letter regarding the proposed residential development "A traffic study needs to be initiated as the location is directly across from the Elementary School and the increased traffic from the development has the potential to increase the amount of cars idling during School hours". Mr. Ford said applicant had received that UTEC letter. Atty. Anderson noted the Board had deemed the subject application complete tonight with certain conditions but none pertaining to the traffic study. Mr. Kirkpatrick indicated the issue could be addressed during the Hearing.

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**Motion to Adjourn:** Mr. Neary made a motion to adjourn. Mr. Kirkpatrick seconded the motion.  
(8:08 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace a. Kocher, Secretary